

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: GROLLITSCH, Helmut, et al

SERIAL NO.: 10/672,402

ART UNIT: 3653

FILED: September 29, 2003

EXAMINER: Hageman, M.

TITLE: METHOD AND APPARATUS FOR DETECTING A CRACKED OR BROKEN CASE

Amendment C: REMARKS

Upon entry of the present amendments, Claims 39-51 remain in this case. Claim 46 has been amended so as to place the claims into a condition for appeal.

The present amendments are being entered under 37 C.F.R. § 1.116 and 37 C.F.R. § 41.33. Specifically, the claims are being presented under 37 C.F.R. § 1.116(b)(2) so as to place the claims into a better condition for appeal.

There was a typographical error in Claim 46, such that the proper incorporation of Claim 32 and 37 was not realized in Claim 46. The orientation limitation was not included properly in Claim 46, even though the Applicant explicitly referred to the incorporation of all limitations in allowable form in the previous amendment. As such, the original allowable subject matter may have been inadvertently omitted from Claim 46.

Claim 43 has been canceled. The Applicant only wishes for two issues on appeal. The third rejection issue is not needed. Applicant has canceled this third issue for consideration on appeal.

Applicant has presented this amendment so as to narrow the issues for appeal. The form of Claim 46 requires correction to be considered properly on appeal. Furthermore, no new subject matter has been added, and no new search is required by the insertion of this language. The subject matter added is the subject matter of original Claim 21.

On this basis, Applicant contends that Claims 39-42 and 44-51 are now in a proper condition for consideration on appeal.

Respectfully submitted,

<u>September 4, 2007</u>	<u>/Andrew W. Chu/</u>
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